

CITY COUNCIL CITY OF LODI
COUNCIL CHAMBERS, CITY HALL
JANUARY 21, 1953

This regular meeting of the City Council of the City of Lodi held beginning at 8:05 o'clock p.m. of January 21, 1953. Councilmen Richey, Rinn and Robinson present; absent Preszler and Waskell (Mayor). Councilman Rinn, elected Mayor pro tem at the January 7, 1953, meeting, presided.

Minutes of the previous meeting, January 7, 1953, were approved as written and mailed.

COMMUNICATIONS

KXOA OFFERS
FREE TV TIME

Letter from radio station KXOA, Sacramento, informing the City that the station has an application pending before the Federal Communications Commission for a television station to serve the Sacramento area. As in the past, the station states that it stands ready to offer its facilities to governmental organizations to further worthwhile activities in the community. It now offers the City of Lodi certain segments of time for its use if the station is successful in obtaining approval of the FCC. The letter indicated that KXOA would like the City Council to determine whether it would be interested in making use of the free time offered. Councilman Robinson raised the question of whether this offer was connected with the present controversy over the award of the station by the FCC in Sacramento. He suggested that it might be unwise for the City to involve itself in such controversy, if such were the case. Mr. Weller stated that he would be glad to look into the matter and attempt to learn something more about the matter. At the suggestion of Councilman Robinson the matter was deferred until more information was available.

DELANO
C OF C
PROPOSES
ARCH. DEPT.
FOR STATE
DEPT. OF ED.

Letter from the Delano Chamber of Commerce suggesting that the City Council adopt a resolution calling for the establishment of a Division of Architecture in the State Department of Education and that said Division of Architecture have the responsibility of furnishing all plans and specifications for school construction projects. According to the letter, the present system employed is wasteful and places an undue burden upon the taxpayer. Councilman Richey stated that she understood that the School Board and the Chamber of Commerce had received similar letters and had delayed taking any action on them pending further study. She felt that if the school Board questioned the advisability of adopting the resolution, there might be a valid question involved. Councilmen Rinn and Robinson each stated that he knew nothing about the matter and felt that a delay in action by the Council until the School Board had studied the question and come up with some findings would be in order.

CVD, LCC
MEETING

The City Manager reminded the Council of the quarterly meeting of the Central Valley Division of the League of California Cities to be held in Stockton, January 22, 1953.

PETITION ASKS
THAT TRUCKS
BE BANNED
ON TOKAY ST.

Petition signed by some 60 residents and property owners on East Tokay Street protesting the use of Tokay Street by trucks. The petition further asked that all truck travel on Tokay Street between 99 Highway and the railroad tracks be banned. Mr. Weller stated that he believed the residents had a legitimate complaint because the truck travel during the shipping was very heavy and the trucks often have to line up in the street awaiting entrance into the cannery. Mayor pro tem Rinn felt that the problem could be worked out by the Chief of Police. Councilman Robinson suggested that the problem could be considered in conjunction with the traffic ordinance which is presently in the drafting stage. It was agreed that the matter be deferred until the Chief of Police had an opportunity to study the problem and until the traffic ordinance was ready for consideration. Mayor pro tem Rinn pointed out that there would be time to consider the matter before summer when the problem was more serious.

PUBLIC HEARINGS

MASON
REZONING

ORD. NO. 475
INTRODUCED

At this time the Mayor pro tem declared the meeting open under the above head for the reception of protests against the rezoning of the Clara A. Mason property north of Lake Home Subdivision No. 2 and bordered by the Lodi Municipal Lake and the Mokelumne River, from Park Area to the R-2 Residential Zone. There being no objections, Councilman Richey moved, Robinson second, the introduction of ORDINANCE NO. 475, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING CERTAIN PROPERTY NORTH OF THE LAKE HOME SUBDIVISION NO. 2 TO BE IN THE R-2 RESIDENCE DISTRICT". The motion was carried.

REPORTS OF THE CITY MANAGER

ACC'T REPORT
POLICE COURT

The City Manager presented the report submitted by Lyman Straine & Company, public accountants, covering the audit of the books and records of the City Police Court.

SPECS ON
TWO-TON TRUCK

Specifications for a two-ton dump truck for use in the Street Department were approved on the motion of Councilman Robinson, Richey second. Mr. Weller explained that the truck presently used by the Street Department would be transferred to the Recreation Department and the 1935 model truck presently used by the Recreation Department would be turned in on the new truck.

GIANNONI
EXERCISES
OPTION

Letter from John M. Giannoni stating that he would like to exercise the option in his contract with the City in regard to the merry-go-round concession at Lodi Lake Park. He also asked that the contract be renewed for a longer period. Mr. Weller stated that he hesitated to recommend a renewal to the contract because we are negotiating with the State over the park at the present time. Mayor pro tem Rinn observed that since the option had already been granted, there was no action indicated on the part of the Council. It was then agreed that the present contract should stand.

"OFFICE
SUPERVISOR"
CLASSIFICATION
ADOPTED

Mr. Weller presented the position classification for the position of Office Supervisor in the Engineer's office. He explained that this position would be created to fill the shortage created by the loss of Chris Meckler. Following the reading of the position classification, it was adopted on the motion of Councilman Richey, Robinson second.

ORD. NO.477
INTRODUCED
AMENDS
SALARY ORD.

On the motion of Councilman Robinson, Richey second, the Council then voted to introduce Ordinance No. 477, providing for an amendment to the Salary Ordinance to include an increase in salary for the Purchasing Agent and the inclusion of the position of Office Supervisor at a salary of \$358-436.

CM ORDINANCE
AMENDED
ORD. NO.478
INTRODUCED

City Attorney Mullen proposed Ordinance No. 478, providing for the amendment of the City Manager Ordinance, Ordinance No. 367. The proposed amendment would remove the name of the City Judge from those officers appointed by the City Council and repeal that section providing that the City Manager be Purchasing Agent for the City. Adoption of this ordinance will make it possible for the Purchasing Agent to be appointed by the City Manager. Ordinance No. 478 was introduced on the motion of Councilman Richey, Robinson second.

PURCHASING
ORD. REPEALED

The City Manager presented proposed Ordinance No. 479 which will repeal Ordinance No. 361, known as the Purchasing Ordinance. Mr. Weller explained that he felt that the entire ordinance could be dispensed with and rely upon Council direction in purchasing matters. He pointed out that the present Purchasing Ordinance requires published notice and bids for purchases over \$500, whereas the State requirement for sixth class cities is \$1,000. Councilman Robinson moved, Richey second, the introduction of Ordinance No. 479. The motion carried.

ORD. NO.479
INTRODUCED

ORD. NO.474
PERSONNEL
ORDINANCE
ADOPTED

In considering Ordinance No. 474, the Personnel Ordinance, for adoption, Councilman Robinson stated that there was still some question in his mind regarding the advisability of doing away with the "rule of three". He withdrew his objection when it was pointed out that the provisions for appointment were contained in the Personnel Rules and not in the Personnel Ordinance. There being no further questions, ORDINANCE NO. 474, "AN ORDINANCE OF THE CITY OF LODI CREATING AND ESTABLISHING A PERSONNEL SYSTEM AND REPEALING ORDINANCES NO. 276 AND NO. 305", having been regularly introduced on January 7, 1953, was brought up for passage on motion of Councilman Richey, Robinson second, second reading omitted after reading by title by unanimous consent and then passed, adopted and ordered to print by the following vote:

AYES: Councilmen, Richey, Rinn and Robinson
NOES: Councilmen, None
ABSENT: Councilmen, Preszler and Haskell

Mayor pro tem Rinn then signed Ordinance No. 474 in approval thereof.

Minutes of January 21, 1953 continued.

ORD. NO. 476
ADOPTED

ORDINANCE NO. 476, "AMENDING SECTION 7 OF ORDINANCE NO. 444 FOR THE PURPOSE OF REMOVING CERTAIN OFFICERS OF THE CITY OF LODI FROM THE CLASSIFIED SERVICE OF THE CITY", having been regularly introduced on January 7, 1953, was brought up for passage on the motion of Councilman Richey, Robinson second, second reading omitted after reading of title, and then passed, adopted and ordered to print by the following vote:

AYES: Councilmen, Richey, Rinn and Robinson
NOES: Councilmen, None
ABSENT: Councilmen, Preszler and Haskell

Mayor pro tem Rinn then signed Ordinance No. 476 in approval thereof.

RIECK
ADDITION
ORD. NO. 473
ADOPTED

ORDINANCE NO. 473, "APPROVING THE ANNEXATION OF THE RIECK ADDITION TO THE CITY OF LODI AND DECLARING THAT THE SAME IS ANNEXED TO AND MADE PART OF THE CITY OF LODI", having been regularly introduced on January 7, 1953, was brought up for passage on the motion of Councilman Robinson, Richey second, second reading omitted after reading of title, and then passed, adopted and ordered to print by the following vote:

AYES: Councilmen, Richey, Rinn and Robinson
NOES: Councilmen, None
ABSENT: Councilmen, Preszler and Haskell

Mayor pro tem Rinn then signed Ordinance No. 473 in approval thereof.

CLAIMS

Claims in the amount of \$120,406.30 were approved and ordered paid on the motion of Councilman Richey, Robinson second.

APPROVE
LEASE OF
COURT
FACILITIES

The City Manager presented a lease agreement prepared by the San Joaquin County Counsel for use of the Chamber of Commerce auditorium by the Lodi District Court. The agreement provides for payments of \$100 per month. The City Attorney recommended that the sentence, "Lease to commence January 5, 1953", be added as the last sentence of paragraph 2. The lease agreement was then approved, subject to the above addition, on the motion of Councilman Robinson, Richey second.

CITY PLANNING COMMISSION

RES. #1719
ADOPT
USE LIST

The City Planning Commission advised the Council that that body had adopted a Use List to amplify the general types of business permitted in the C-1 and C-2 zones. The Use List adopted by Resolution C.P.C. No. 1 was prepared by Mr. Howard Bissell and taken largely from "Standard Industrial Classification Manual", Volume II Non-Manufacturing Industries, prepared by the Bureau of the Budget. The Council voted to adopt the Use List recommended by the Planning Commission with the adoption of Resolution No. 1719 on the motion of Councilman Robinson, Richey second.

RELATIONS
WITH
PLANNING
COMMISSION

Mr. Weller discussed the possibility of agreeing upon a procedure for handling of recommendations from the Planning Commission. He felt that in those instances when the Council intended to take action contrary to the recommendation of the Planning Commission, some provision could be set up whereby the matter could be re-referred to the Planning Commission for comment before such action was taken. He explained that minor delays would be experienced, but that this could be kept at a minimum. It was agreed that a procedure of this nature should be followed in the future.

FALLS AVENUE
ORD. NO. 470
WITHDRAWN

City Attorney Mullen reported that he had been unable to contact Ted Schneider regarding the working out of an agreement for the future use of Falls Avenue. However, he had discussed the matter with Henry Schneider. Henry Schneider had indicated that he would be unwilling to enter into an agreement with the property owners for the maintenance of Falls Avenue between Grant Avenue and Roper Avenue as a private thoroughfare. Councilman Robinson then moved, Richey second, that Ordinance No. 470, "Declaring the Intention of the City Council of the City of Lodi to Vacate That Portion of Falls Avenue Lying Between the West Line of Grant Avenue and the East Line of Roper Avenue" be withdrawn before second reading, and that the number for this ordinance be released for assignment to another ordinance. The motion carried.

SOUTH CHURCH
ST. LIGHTING
DISTRICT

RES. #1718
ADOPTED

Mr. Mullen then discussed the process of the South Church Street Lighting District with the Council. Having discussed the manner of assessments and the estimated costs of installation of the street lighting fixtures, the Council agreed that the probable assessments would not exceed the limitations set up in the Special Assessment Investigation, Limitation and Majority Protest Act of 1931. On the motion of Councilman Robinson, Richey second, the Council adopted Resolution No. 1718, "Resolution Determining in General the Nature, Location and Extent of the Proposed Improvement to Be Known as South Church Street Lighting District; Finding that the Probable Assessments Will Not Exceed the Limitations Set Up by Law and Directing the Clerk to Give Notice Thereof Pursuant to Section 2950 et. seq. of the Streets and Highways Code".

MEETING WITH
DEPARTMENT
HEADS

Mr. Weller suggested that the Council meet with the department heads at some future date. He suggested this as a means for the individual councilman to become acquainted with the workings of the various departments in the city. The Council agreed that such meetings would be desirable.

OUTSIDE
EMPLOYMENT

DREYFUSS
REQUEST

Mr. Weller explained that he had a request from Martin Dreyfuss, Finance Director, for permission to accept a job as instructor in accounting at the Lodi Union Evening High School. Mr. Weller explained that it would be difficult to grant this request in the face of the standing policy of the Council which frowns upon outside work for City employees. He suggested that there might be room to modify the policy to the extent that it would be more equitable for the employees and easier to enforce. Mayor pro tem Rinn suggested that the present policy be allowed to stand and any requests for exception to the policy be brought to the Council. Mr. Weller explained that this would be difficult to apply because of a reluctance on the part of employees in the lower echelons to air their requests publicly. Mr. Mullen

suggested that the policy be modified to the extent that department heads would be permitted to accept outside work only when such work is for another public agency. After further discussion, the Council approved the request of Mr. Dreyfuss with the understanding that Mr. Weller would prepare recommendations for the modification of the present policy.

FIRE RATING

FIRE PREVENTION ORD.

ORD. NO. 480 INTRODUCED

The City Manager discussed the rating of the City of Lodi by the Board of Fire Underwriters. The City is presently rated in Class V, but many improvements have been made in the Fire Department. He explained that we have removed enough deficiency points to almost put the City in Class IV. He stated that he felt sure that the Class IV rating would be achieved after passage of the Fire Prevention Ordinance. He recommended that the Council introduce Ordinance No. 480 which would adopt the "Suggested Fire Prevention Ordinance" published by the National Board of Fire Underwriters, with certain modifications by the Lodi Fire Chief. Mayor pro tem Rinn was assured that the proposed Fire Prevention Ordinance did not involve the City in any further public liability nor did it call for additional fees. ORDINANCE NO. 480, entitled "AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A BUREAU OF FIRE PREVENTION, PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES, AND PRESCRIBING REGULATIONS FOR FIRE PREVENTION AND LIFE SAFETY IN CONNECTION WITH HAZARDOUS MATERIALS AND PROCESSES; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ORDINANCES NOS. 122, 141, 166 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH", was introduced on the motion of Councilman Richey, Robinson second.

DOWNTOWN STREET LIGHT ESTIMATES

Mr. Weller then presented the estimates for installation of street lights in the downtown section of the City. He explained the estimates were prepared by the Superintendent of Utilities. The total cost of the lighting district was estimated at approximately \$45,000, or a front foot cost of approximately \$3.60. Mr. Weller explained that the Superintendent of Utilities had favored the incandescent type of lights, but the merchants wanted the mercury vapor type. The maintenance of the mercury vapor light will be less than the incandescent light. Councilman Robinson stated that the merchants feel that the City should participate in the cost of the district on the grounds that the cost of maintenance would be less with the new lights. Mr. Weller replied that since the number of lights would be increased, the maintenance cost would also increase. Councilman Robinson then stated that the merchants would like the City to furnish the labor for the district. Mr. Weller replied that this is the same as asking for the City to share in the cost and the same answer applied. Mayor pro tem Rinn then suggested that the report from the Superintendent of Utilities be forwarded to the merchants in its present form. It was agreed.

MID-YEAR FINANCE REPORT

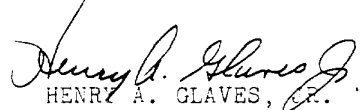
The City Manager submitted a general summary of the financial position of the City as of December 31, 1952. Mr. Weller stated that he believed that the best job of budgetary control had been achieved this year. In general, Mr. Weller reported that the City appears to be in a strong position at mid-year with an indication that the year will be completed with a slight surplus of revenues over expenditures.

CITY
MANAGER'S
SALARY

Councilman Robinson stated that the City Manager's salary had been discussed and it was felt that the matter should come up at this time. He then moved that the City Manager's salary be increased by \$100 per month effective January 1, 1953. The motion was seconded by Councilman Richey and carried unanimously. Mayor pro tem Kinn stated that he felt that the increase was justly deserved in light of performance and, if anything, should be doubled.

The meeting was adjourned at 11:05 o'clock p.m. on motion of Councilman Richey.

ATTEST:


HENRY A. CLAVES, C.R.
City Clerk